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THERESA M. O'BRIEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THERESA M. O'BRIEN,

Plaintiff,

vs.

JANET NAPOLITANO, SECRETARY,
DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

Case No.: C10-1830 EDL

**STIPULATION AND ~~PROPOSED~~
ORDER TO EXTEND FACT
DISCOVERY FOR THE LIMITED
PURPOSE OF OBTAINING
PLAINTIFF'S MEDICAL RECORDS
FROM TWO PROVIDERS**

STIPULATION

Plaintiff Theresa O'Brien and Defendant Janet Napolitano (hereinafter, collectively, "the parties"), by and through their respective counsel of record, and subject to Court approval, stipulate to the following:

1. The date originally set by the Court for completion of fact discovery was September 1, 2011.
2. The parties have completed all fact discovery consisting of a round of written discovery and the depositions of the principal fact witnesses including the plaintiff, her treating physician, and five defense witnesses.
3. Plaintiff objected that Defendant's Special Interrogatory No. 1 which requested a listing of all of Plaintiff's medical providers was temporally overbroad. In order to avoid the necessity of filing discovery motions, the parties recently concluded their efforts to meet and

1 confer on this issue and agreed to limit the temporal scope of discovery of the medical records to
2 records from January 2003 to the present.

3 4. Accordingly, the parties agree to extend fact discovery for the limited purpose of
4 allowing Defendant to subpoena medical records from January 2003 to the present, **excluding all**
5 **psychiatric and mental health records**, in the possession of the following providers:

6 a. Dr. Carlin Chi of South San Francisco Clinic, San Mateo Health System;

7 b. Oregon Health Sciences University Hospitals and Clinics.

8 5. The parties have not previously requested any extensions in this matter.

9 **IT IS SO STIPULATED.**

10 Dated: September 8, 2011

LAW OFFICES OF MICHAEL S. SORGEN

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12 By: /s/ Joyce Kawahata
Joyce Kawahata
13 Attorneys for Plaintiffs

14 Dated: September 8, 2011

MELINDA L. HAAG
UNITED STATES ATTORNEY

15
16 By: /s/
17 Juan D. Walker
Assistant United States Attorney
18 Attorneys for Defendant

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20 **ORDER**

21 Good cause appearing therefor, IT IS SO ORDERED.

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23 Dated: September 9, 2011

Elizabeth D. Laporte
24 Hon. Elizabeth Laporte
United States District Court Judge
25 Magistrate
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